

**United States District Court
Northern District of New York**

| | | |
|----------------------------|---|---|
| Keith Gerard, |) | Case 3:19-cv-01285-ATB |
| <i>Plaintiff,</i> |) | |
| |) | Andrew T. Baxter |
| v. |) | United States Magistrate Judge |
| |) | |
| Andrew Saul, |) | Stipulation – Document Filed Electronically |
| Commissioner of the Social |) | |
| Security Administration |) | |
| <i>Defendant.</i> |) | |

Parties' Stipulation for Remand

The parties stipulate that the Commissioner's final decision be reversed and that this action be remanded to the Commissioner for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g). Upon remand, the Appeals Council will remand to a different Administrative Law Judge and instruct that judge to further evaluate the opinion evidence; further evaluate the record evidence related to Plaintiff's residual functional capacity and provide explanations, supported by the record evidence, for the assessed limitations; offer Plaintiff the opportunity for a hearing; take further action to complete the administrative record resolving the above issues; and issue a new decision. The parties consent to the entry of judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

Respectfully Submitted,

Andrew Saul,

Keith Gerard

By His Attorneys

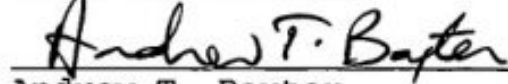
By His Attorney

Grant C. Jaquith,
United States Attorney

/s/ Ronald W. Makawa
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IT IS SO ORDERED:



Andrew T. Baxter
U.S. Magistrate Judge

Dated: June 17, 2020

Syracuse, NY

¹ Signed by Ronald W. Makawa with Peter A. Gorton's permission.